

FEB 28 2001

STATE OF WISCONSIN  
EXAMINING BOARD OF PROFESSIONAL  
GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF  
EXAMINING BOARD OF : PROFESSIONAL GEOLOGISTS,  
PROFESSIONAL GEOLOGISTS, : HYDROLOGISTS AND SOIL  
HYDROLOGISTS AND SOIL : SCIENTISTS ADOPTING RULES  
SCIENTISTS : (CLEARINGHOUSE RULE 00-139)

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TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS is submitting in final draft form rules relating to a rules committee.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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**STATE OF WISCONSIN  
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,  
HYDROLOGISTS AND SOIL SCIENTISTS**

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**IN THE MATTER OF RULE-MAKING :**  
**PROCEEDINGS BEFORE THE :** **REPORT TO THE LEGISLATURE**  
**EXAMINING BOARD OF :** **ON CLEARINGHOUSE RULE 00-139**  
**PROFESSIONAL GEOLOGISTS, :** **(s. 227.19 (3), Stats.**  
**HYDROLOGISTS AND SOIL :**  
**SCIENTISTS :**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV. STATEMENT EXPLAINING NEED:**

Current rules for the Examining Board of Professional Geologists, Hydrologists and Soil Scientists do not permit the formation of a rules committee to act for the board in rule-making proceedings. The objective of the rule is to authorize the board to form a rules committee. The board may currently approve and adopt rules proposed by any section of the board. A rules committee would better enable the board to develop and refine rules proposed by the sections or the board. This would meet the objective of standardizing the rules development process between the sections of the board and provide for greater efficiency.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on October 31, 2000. There were no appearances at the public hearing nor were any written comments received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

Comment 5.b. Is there a need for an initial applicability section to indicate which rules will be subject to the rules committee procedure? Response: No.

The other recommendations suggested in the Clearinghouse Report were accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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STATE OF WISCONSIN  
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,  
HYDROLOGISTS AND SOIL SCIENTISTS

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IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF	:	PROFESSIONAL GEOLOGISTS,
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HYDROLOGISTS AND SOIL	:	SOIL SCIENTISTS ADOPTING RULES
SCIENTISTS	:	(CLEARINGHOUSE RULE 00-139)

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PROPOSED ORDER

An order of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists to create GHSS 1.07, relating to a rules committee.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 15.405 (2m) and 227.11 (2), Stats.

Statutes interpreted: s. 470.03, Stats.

Current rules for the Examining Board of Professional Geologists, Hydrologists and Soil Scientists do not permit the formation of a rules committee to act for the board in rule-making proceedings. The objective of the rule is to authorize the board to form a rules committee. The board may currently approve and adopt rules proposed by any section of the board. A rules committee would better enable the board to develop and refine rules proposed by the sections or the board. This would meet the objective of standardizing the rules development process between the sections of the board and provide for greater efficiency.

The proposed rule would consist of two sections. The first section would permit the board to approve and adopt rules proposed by any section of the board. The second section would define the composition of a rules committee and provide that the rules committee shall act for the board in rule-making proceedings except for final rule adoption.

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TEXT OF RULE

SECTION 1. GHSS 1.07 is created to read:

**GHSS 1.07 Rule-making.** (1) PROCEDURE. The board may approve and adopt rules proposed by any section of the board.

(2) RULES COMMITTEE. (a) A rules committee is created and shall be comprised of one professional member from each section and 2 public members. Each section

shall appoint one professional member by majority vote. The board chair shall appoint the 2 public members from any of the 3 sections of the board.

(b) The rules committee may act for the board in rule-making proceedings except for final approval as specified in sub. (1).

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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_ Agency \_\_\_\_\_

Chairperson  
Examining Board of Professional Geologists,  
Hydrologists and Soil Scientists

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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2/28/01

WISCONSIN LEGISLATIVE COUNCIL STAFF



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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 00-139**

AN ORDER to create GHSS 1.07, relating to a rules committee.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-19-00 RECEIVED BY LEGISLATIVE COUNCIL.

10-05-00 REPORT SENT TO AGENCY.

RS:RW:jal;ksm

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

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## CLEARINGHOUSE RULE 00-139

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The rule is not clear as to who appoints the professional members of the rules committee or how they are selected. Presumably, the board will make the appointments of nonpublic members. If so, the rule should so state. Also, s. GHSS 1.07 (2) (a) should begin as follows: "A rules committee is created and shall be comprised of . . . ."

b. Is there a need for an initial applicability section to indicate which rules will be subject to the rules committee procedure?

c. Since the full board retains its authority to approve and adopt rules, would it be more accurate in s. GHSS 1.07 (2) (b) to provide that the "rules committee *may* act for the board" instead of stating that the "rules committee *shall* act for the board"?